

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

BARRY J. CADDEN, et al.

Defendants.

)
)
)
)
)
)
)
)
)
)

Criminal No.: 14-10363-RGS

DEFENDANTS' PROPOSED JUROR VOIR DIRE QUESTIONS

Defendants, by and through undersigned counsel, respectfully request that this Court include the following questions in its examination of prospective jurors conducted pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure. The defense reserves the right to supplement these proposed questions pending the outcome of certain pretrial motions and finalizing the defendants' witness list.

* * *

Respectfully submitted,
JOSEPH M. EVANOSKY,
By his attorneys,

Respectfully submitted,
GENE SVIRSKIY,
By his attorneys,

/s/ Mark W. Pearlstein

Mark W. Pearlstein (BBO #542064)
Dana M. McSherry (BBO #664430)
Jennifer Aronoff (*admitted pro hac vice*)
MCDERMOTT WILL & EMERY LLP
28 State Street
Boston, Massachusetts 02109-1775
(617) 535-4000
mpearlstein@mwe.com
dmcsherry@mwe.com

/s/ Jeremy M. Sternberg

Jeremy M. Sternberg (BBO# 556566)
Christopher M. Iaquinto (BBO# 685718)
HOLLAND & KNIGHT LLP
10 St. James Avenue, 11th Floor
Boston, Massachusetts 02116
(617) 523-2700
jeremy.sternberg@hklaw.com
christopher.iaquinto@hklaw.com

CHRISTOPHER M. LEARY,
By his attorneys,

SHARON P. CARTER,
By her attorney,

/s/ Paul V. Kelly

Paul V. Kelly (BBO #267010)
Sara W. Walsh (BBO #664232)
JACKSON LEWIS PC
75 Park Plaza, 4th Floor
Boston, Massachusetts 02116
(617) 367-0025
paul.kelly@jacksonlewis.com
sarah.walsh@jacksonlewis.com

/s/ Michael J. Pineault

Michael J. Pineault (BBO #555314)
CLEMENTS & PINEAULT, LLP
24 Federal Street
Boston, Massachusetts 02110
(857) 445-0135
mpineault@clementspineault.com

ALLA V. STEPANETS,
By her attorney,

GREGORY A. CONIGLIARO,
By his attorney,

/s/ John H. Cunha Jr.

John H. Cunha Jr. (BBO #108580)
CUNHA & HOLCOMB, P.C.
One State Street, Suite 500
Boston, Massachusetts 02109-3507
(617) 523-4300
cunha@cunhaholcomb.com

/s/ Daniel Rabinovitz

Daniel Rabinovitz (BBO #558419)
MURPHY & KING, PC
One Beacon Street, 21st Floor
Boston, Massachusetts 02108
(617) 423-0400
drabinovitz@murphyking.com

KATHY S. CHIN,
By her attorney,

MICHELLE L. THOMAS,
By her attorney,

/s/ Joan M. Griffin

Joan M. Griffin (BBO #549522)
P.O. Box 133
Dublin, New Hampshire 03444
(617) 283-0954
griffin@lawjmg.com

/s/ Michael C. Bourbeau

Michael C. Bourbeau (BBO #545908)
BOURBEAU AND BONILLA, LLP
Building K
80 Washington Street
Norwell, Massachusetts 02061
(617) 350-6565
mike@lawgenie.com

CERTIFICATE OF SERVICE

I, Christopher M. Iaquinto, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-participants on September 18, 2018.

/s/Christopher M. Iaquinto
Christopher M. Iaquinto

PROPOSED JUROR VOIR DIRE QUESTIONS

1. Since completing the juror questionnaire, have you read or heard about this case in the news or on the Internet or done any research on this case, including “Googling” the terms “New England Compounding Center,” “NECC,” or any other terms related to this case?

2. Would you be able to follow an instruction from the Judge in this case that forbids you from conducting online research (through Google or otherwise), reading, listening to, discussing, writing, or posting online anything about this case, the New England Compounding Center, or any of its former owners or employees?

3. Do you or anyone close to you have education, training, or work experience in any of the following areas:

- ☐ Pharmacy or pharmacology
- ☐ Lab technician testing food or drug samples
- ☐ Environmental monitoring
- ☐ Microbiology

4. Have you or anyone close to you ever:

- ☐ Been involved in a state or federal regulatory agency inspection as part of your job
- ☐ Been responsible for drafting or enforcing company policies and procedures
- ☐ Taken, used or purchased any products made by a compounding pharmacy
- ☐ Taken or been given an injectable medicine
- ☐ Had a surgery in which you were administered a general anesthetic
- ☐ Worked as a scientist or in a lab
- ☐ Worked in a sterile environment, including a clean room

5. Do you have a positive or negative opinion of:

- ☐ Pharmacies or pharmacists
- ☐ Compounding pharmacies specifically
- ☐ The pharmaceutical industry

6. Do you hold any professional license(s) in the healthcare field?

7. Have you ever been a whistleblower or filed a whistleblower lawsuit?

8. Have you or anyone close to you ever worked in, or applied for work in, law enforcement, e.g. police, FBI, state or federal prosecutor, corrections officer?

9. Would you tend to believe the testimony of witnesses who work for law enforcement or government agencies (like the FBI or the Food and Drug Administration), more than other witnesses?

10. Have you ever:

- ☐ Served on a jury
- ☐ Been a plaintiff in a lawsuit
- ☐ Been a defendant in a lawsuit
- ☐ Testified under oath

11. Have you or anyone close to you ever been a victim of a crime?

12. Have you formed an opinion about the probable guilt or innocence of any of the defendants in this case based on anything that you have seen, heard or been told or based on any other experiences or views?

13. Is there any other matter or any information— including anything else in your background, experience, employment, training, education, knowledge, or beliefs – that would affect your ability to be a fair and impartial juror?